

**HB0214/602811/1**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 214

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “family member” and substitute “parent, guardian, or next friend”; in line 8, after “victim” insert “or the victim’s parent, guardian, or next friend”; in line 14, strike “the immigration status of a victim or person requesting the certification” and substitute “information relating to a victim who is seeking or has obtained U Nonimmigrant Status”; in line 15, after “circumstances;” insert “providing that a certifying entity or certifying official is immune from certain criminal or civil liability for a certain action or failure to act, except under certain circumstances; clarifying that a certain provision of law does not limit a court’s authority to grant injunctive relief; prohibiting a certain award of attorney’s fees or costs in a certain action seeking enforcement of this Act, except under certain circumstances;”; and after line 16, insert:

“BY adding to

Article – Courts and Judicial Proceedings

Section 5–643

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“Article – Courts and Judicial Proceedings

**5–643.**

(Over)

(A) EXCEPT IN CASES OF WILLFUL OR WANTON MISCONDUCT, A CERTIFYING ENTITY OR CERTIFYING OFFICIAL WHO, IN GOOD FAITH, ACTS OR FAILS TO ACT IN COMPLIANCE WITH § 11-931 OF THE CRIMINAL PROCEDURE ARTICLE SHALL BE IMMUNE FROM CRIMINAL LIABILITY OR CIVIL LIABILITY FOR MONETARY DAMAGES THAT MIGHT OTHERWISE OCCUR AS A RESULT OF THE ACT OR FAILURE TO ACT.

(B) SUBSECTION (A) OF THIS SECTION DOES NOT LIMIT A COURT'S AUTHORITY TO GRANT INJUNCTIVE RELIEF."

On page 4, after line 22, insert:

"(H) (1) EXCEPT IN CASES OF WILLFUL OR WANTON MISCONDUCT, A CERTIFYING ENTITY OR CERTIFYING OFFICIAL WHO, IN GOOD FAITH, ACTS OR FAILS TO ACT IN COMPLIANCE WITH THIS SECTION HAS THE IMMUNITY FROM LIABILITY DESCRIBED IN § 5-643 OF THE COURTS ARTICLE.

(2) A PERSON MAY BRING AN ACTION TO SEEK ENFORCEMENT OF THIS SECTION BUT MAY NOT BE AWARDED ATTORNEY'S FEES OR COSTS UNLESS THE ACTION DEMONSTRATES WILLFUL OR WANTON MISCONDUCT BY A CERTIFYING ENTITY OR CERTIFYING OFFICIAL."

AMENDMENT NO. 3

On page 2, strike beginning with "ISSUE" in line 23 down through "CERTIFICATIONS" in line 24 and substitute "PROVIDE U NONIMMIGRANT STATUS CERTIFICATIONS"; and in line 26, strike "214.14(A)(2)" and substitute "214.14(A)(3)".

AMENDMENT NO. 4

On page 3, in line 3, strike “QUALIFYING”; in line 4, after “UNDER” insert “TITLE 8.”; strike beginning with “FEDERAL” in line 4 down through “ACT” in line 5 and substitute “UNITED STATES CODE”; in line 9, strike “FAMILY MEMBER” and substitute “PARENT, GUARDIAN, OR NEXT FRIEND”; in line 12, after “ACTIVITY” insert “AND HAS BEEN HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY”; in the same line, strike “AND”; strike in their entirety lines 13 through 15, inclusive, and substitute:

“(2) WAS UNDER THE AGE OF 16 YEARS ON THE DATE THAT AN ACT THAT CONSTITUTES AN ELEMENT OF QUALIFYING CRIMINAL ACTIVITY FIRST OCCURRED AND THE VICTIM’S PARENT, GUARDIAN, OR NEXT FRIEND HAS BEEN HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY; OR

(3) IS INCAPACITATED OR INCOMPETENT AND THE VICTIM’S PARENT, GUARDIAN, OR NEXT FRIEND HAS BEEN HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY.”;

in lines 17, 19, and 21, in each instance, after “VICTIM” insert “OR THE VICTIM’S PARENT, GUARDIAN, OR NEXT FRIEND”; and in line 27, after “VICTIM’S” insert “OR THE VICTIM’S PARENT’S, GUARDIAN’S, OR NEXT FRIEND’S”.

AMENDMENT NO. 5

On page 4, in line 5, after “REMOVAL” insert “, EXCLUSION, OR DEPORTATION”; in line 6, after “PROCEEDINGS” insert “OR SUBJECT TO A FINAL ORDER OF REMOVAL, EXCLUSION, OR DEPORTATION”; in lines 10 and 11, strike “FAMILY MEMBER” and substitute “PARENT, GUARDIAN, OR NEXT FRIEND”; strike beginning with “IF” in line 14 down through “REQUESTED” in line 15 and substitute “ON

REFUSAL TO PROVIDE INFORMATION AND ASSISTANCE WHEN REASONABLY  
REQUESTED OF:

(1) THE VICTIM; OR

(2) THE VICTIM'S PARENT, GUARDIAN, OR NEXT FRIEND IF THE  
VICTIM WAS UNDER THE AGE OF 16 YEARS ON THE DATE THAT AN ACT THAT  
CONSTITUTES AN ELEMENT OF QUALIFYING CRIMINAL ACTIVITY FIRST  
OCCURRED OR IF THE VICTIM IS INCAPACITATED OR INCOMPETENT";

strike beginning with "THE" in line 16 down through "ONLY" in line 18 and substitute  
"INFORMATION RELATING TO A VICTIM WHO IS SEEKING OR HAS OBTAINED U  
NONIMMIGRANT STATUS ONLY"; in line 19, strike "OR LEGAL PROCESS" and  
substitute ", A COURT ORDER, OR A DISCOVERY OBLIGATION IN THE PROSECUTION  
OF A CRIMINAL OFFENSE"; and strike in their entirety lines 21 and 22 and substitute:

"(2) AFTER ADULT PETITIONERS FOR U NONIMMIGRANT STATUS  
OR ADULT U NONIMMIGRANT STATUS HOLDERS HAVE PROVIDED WRITTEN  
CONSENT FOR THE DISCLOSURE OF THE INFORMATION."